REMARKS/ARGUMENTS

Claims 23-25 and 27-43 remain pending in this application. Claims 1-22 have been withdrawn. Claim 26 has been canceled. Claims 23, 27, 33, 36-38, and 40 have been amended.

The Office Action dated July 7, 2003 requested affirmation of a prior election in response to restriction between Group I claims 1-22, and Group II claims 23-43. Applicants hereby affirm this election without traverse of claims 23-43 (Group II) for prosecution in this application. Claims 1-22 (Group I) are accordingly withdrawn. Applicants reserve the right to present claims 1-22 in a divisional application.

The Examiner had rejected claims 23-43 as anticipated under 35 U.S.C. 102(e) in light of U.S. patent no. 6,112,126 to Hales et al. ("the Hales patent"). These claim rejections are overcome as follows.

As a threshold matter, the Examiner is respectfully reminded that in order to assert an anticipation rejection:

> the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.02).

The Hales patent relates to a method for optimizing control over an industrial process utilizing a system comprising a number of intelligent software objects (ISOs), which may be arranged in a hierarchical relationship. The Hales patent emphasizes that the function of the ISOs is to allow users to:

> relate ISO 10 to processes, concrete components (e.g., an automobile) or abstract components (e.g., a miles per gallon calculation) to represent real life or abstract processes such as plants, procedures, ideas, or systems. Mechanical devices, electrical devices, controllable processes, abstract calculations, or almost anything to be controlled or optimized can be represented by ISO 10. (Emphasis added; col. 6, lines 38-44)

Pending independent claim 23, as well as certain of the dependent claims, have now been amended to recite methods wherein chemical, biological, and radiological sensors monitor a state of the environment. Such methods analyzing information gathered from chemical, biological, and radiation sensor types are discussed throughout the specification as originally filed, and in particular at page 19, line 12 - page 21, line 10.

Based upon the above claim amendments distinguishing the pending claims from the industrial control process described by the Hales patent, it is respectfully asserted that these claims are not anticipated by the Hales patent.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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